



# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

September 11, 2007

Kevin Walsh  
Oak Tree Industries, Inc.  
4879 East La Palma Avenue  
Suite 206  
Anaheim, CA 92807

### **CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE PROPOSED TRACT MAP NO. 28859, SUN CITY, RIVERSIDE COUNTY (ACOE REFERENCE NO. 200501762 – JPL)**

Dear Mr. Walsh:

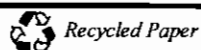
On August 22, 2006 we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by Thomas Olsen Associates, Inc., for the proposed residential Tract Map No. 28859 (TM 28859) in Sun City, Riverside County. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

**Project Description:** Construction of 163 single-family residential homes and associated roadways and infrastructure on 52-acres of a 76-acre site. The un-developed 24-acre area will remain in open space. TM 28859 is an expired portion of TM 22440; TM 22440 was approved by the County of Riverside in 1991. TM 28859 includes an undeveloped park site northwest of the intersection of Valley Boulevard and Ridgemoor Road. The site is generally located north of Ridgemoor Road and west of Eridanus Drive in Section 29 of Township 5 South, Range 8 West the U.S. Geological Survey *Romoland, California*, 7.5-minute topographic quadrangle map (33.70167 degrees N/-117.22014 degrees W).

**Receiving water:** Four un-named ephemeral drainages tributary to Salt Creek.

**Fill area:** 0.2 acres of permanent impact (5,019 linear feet).

***California Environmental Protection Agency***



Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 29.

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent application submittals. The proposed mitigation is summarized below:

**Onsite Water Quality Standards Mitigation Proposed:**

- Nuisance flow and 'first-flush' discharges from the proposed project will be treated in storm drain inlet filters to be maintained by the County of Riverside.
- Additional site-specific best management practices (BMPs) are specified in the site's Storm Water Pollution Prevention Plan (SWPPP).

**Offsite Water Quality Standards Mitigation Proposed:**

- An in-lieu fee will be paid to the Santa Ana Watershed Association towards the eradication of 0.4 acres of invasive plant species in the Upper Santa Ana and San Jacinto Watersheds.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a SWPPP to control the discharge of pollutants from the project site.

You have submitted an application for coverage under a nationwide permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to CEQA, the County of Riverside adopted a final Mitigated Negative Declaration on December 9, 1998. The Executive Officer has considered the County's final Mitigated Negative Declaration in the issuance of this Certification.



**This 401 Certification is contingent upon the execution of the following conditions:**

1. The proposed structural treatment facilities shall be constructed and operational prior to the occupancy of any on-site residence within their respective tributary areas.
2. Regional Board staff and other authorized representatives shall be allowed:
  - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and other applicable waste discharge requirements;
  - b. Access to copy any records that are kept under the requirements of this Certification and other applicable waste discharge requirements;
  - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from Tract 28859; and
  - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and other applicable waste discharge requirements.
3. Oak Tree Industries, Inc. shall pay an in-lieu fee to the Santa Ana Watershed Association towards the eradication of 0.40 acres of invasive plant species in the Upper Santa Ana and San Jacinto Watersheds. The payment shall include funding for a minimum of six-years of follow-on maintenance. Evidence of the payment shall be provided to the Executive Officer no later than November 11, 2007.
4. This Certification and any subsequent amendments shall be maintained on site as a denoted element of any SWPPP or WQMP.
5. This Certification is transferable only upon written notice to the Executive Officer. The notice shall include written acknowledgement and acceptance of this Certification by the transferees' authorized representatives and shall indicate the assignment of responsibility, and the mechanism for that assignment, for each numbered condition of this Certification.

**Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:**

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that

application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. This letter constitutes a technically conditioned water quality certification. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all

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conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at [www.swrcb.ca.gov/resdec/wqorders/2003/wgo/wgo2003-0017.pdf](http://www.swrcb.ca.gov/resdec/wqorders/2003/wgo/wgo2003-0017.pdf)

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT  
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert  
State Water Resources Control Board, OCC – Erik Spiess  
State Water Resources Control Board, DWQ-Water Quality Certification Unit –  
Bill Orme  
California Department of Fish and Game, Ontario Office – Jeff Brandt  
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini

APF:401/certifications/TM 28859 362006-57

